

FOR MYSORE STATE

REVENUE DEPARTMENT

(195)

) Department

Re. SERIES

G.O. No. 1207

Dated 12.5.1953

[Despatch Abstract.]

Land Assignment - Ex-servicemen - Clarification - Orders passed.

Revenue Department.

Subject.

Land - Grant to Political Sufferers and Ex-servicemen -
Entertainment of applications.

Station: Madras. Ref. B.3032/53-1 Dated 14.4.1953.

From .

Sri W.R.S. Sattianathan, I.C.S. Commr. of Land
Revenue, Madras.
Sri A.F. Mascarenhas, I.A.S. Secy. Board of Revenue
(Land Revenue) Madras.

Read: Collector of Tanjore, Rc.9703/53-G3 dated 23.3.1953.

Reference:

Submitted to the Government for orders.

Sd. xx xx
For Secretary,

To the Secy. To Govt. Rev. Dept. Madras.

Copy of letter No.R.C.9703-53 G3 dated 23.3.1953 from the
Collector of Tanjore to the Secretary, Board of Revenue, Mad-
ras.

Land - Grant to Political sufferers and Ex-servicemen -
Entertaining of applications.

Ref: Government Memorandum No.10959-F.52 dated 26.2.1953.

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The Government in their memo cited, have directed that
exservicemen and Political sufferers are not now eligible
for land grant as exservicemen or political sufferers res-
pectively. In this connection, reference is invited to
G.O.Ms.No. 2600 Revenue dated 4.10.1951 in which the Govern-
ment have fixed a time limit for the receipt of applications
from ex-servicemen (i.e.,) upto 1.7.1952. Recently the Govern-

ment have ~~fixed a time limit for the disposal of applications~~
also sanctioned the appointment of additional staff in
their order No. 300 (Mis.) Revenue dated 31.1.1953 for the
disposal of applications for assignment. The additional
staff was sanctioned with reference to the ~~proposed~~ pro-
posals submitted from this office to the Board ~~of~~ as
called for in Board's L.Dis. No.B.2853-51 dated 27.10.52
The Board's reference refers to. grant ^{of land to} exservicemen and
others. The staff appointed is thus for the disposal of
applications received from exservicemen on or before 1.7.52
and from ^{land-} less poor persons without time limit.

In the circumstances, it is not clear what is conveyed
in the Government Memo. cited by stating that Ex-servicemen
are not now eligible for land grant as exservicemen. I pre-
sume that what is meant is that no lands could be granted
to ex-servicemen who apply for them after 1.7.1952 and
that there is no objection to the assignment of lands
in favour of exservicemen on applications received on or
before 1.7.1952.

I request instructions.

Sd. xx xx
For Secretary.

Revenue Department.

Subject.

Assignment :- Land -- Grant of lands to ex-servicemen -
certain points clarification.

Station: Madras. Ref. B. 3924/53-1 Dated 5.5.53

Sri W.R.S. Sattianathan, I.C.S., Commr. of Land
Revenue.

Sri C.S. Krishna Moorthi, I.A.S. Secy. Bd. of Revenue.

Read: Collector, Tanjore Rc. 9703/53-33 dated 23.3.1953.

Board's Ref. B. 3032/53-1, dated 14.4.1953.

Collector of Chingleput, T.M. dated 23.4.1953.

Reference:

Submitted to the Government in continuation
of the Board's references read above.

2. The Board requests orders on the points raised by the Collector of Chingleput also.

Sd. xx xx
For Secretary.

To the Secretary to Government.

Revenue Department.

Copy of Telephonic Message from the Collector of Chingleput
dated 23.4.1953.

Sub:- Assignment - Land - Grant to landless poor and
ex-servicemen - Free grant - clarification -
Requested.

Ref: G.O. No.1523 Revenue dated 11.6.1949.

Government Memo.No. 1055 F/53-4 dated 9.3.59

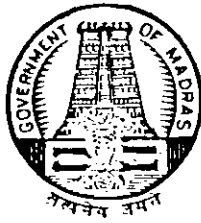
The Government in their memo No. 1055 F/53-4 dated 9.3.53 have limited the extent prescribed in the G.O. cited to 5 acres of dry land in respect of landless poor alone. It is not clear whether the restrictions contemplated in the above memo is applicable to ex-servicemen also who have applied for 10 acres of dry land under the G.O. I request to be informed whether the above limit of 5 acres of dry lands is applicable only to landless poor persons or to ex-servicemen also, who have applied for lands prior to 1.7.52.

Sd. xx
For Secy.

/True extract/

T. K S A N

Superintendent.



Abstract.

LAND - Assignment - Exservicemen - Clarification -
Orders passed.

Revenue Department.

G.O.Ms.No.1667

Dated 13.6.1953.

Read:-

- From the Board of Revenue, Ref.B-3032/53-1,
dated 14.4.53.
- From the Board of Revenue, Ref.B-3924/53-1,
dated 5.5.53.

...

O R D E R:-

With reference to the several points raised in the Board's reference read above regarding the grant of land to ex-servicemen, the following clarifications of the existing orders are issued:

(a) Applications received from ex-servicemen prior to 1st July 1952:

(1) Exservicemen who own less than 5 acres of dry or $2\frac{1}{2}$ acres of wet, if they are poor and are likely to take to direct cultivation, will get first priority with reference to G.O.No.1986, Revenue, dated 8.7.1952 along with other landless and poor persons and will be assigned that extent of land necessary to make a total equivalent of 5 acres of dry.

(2) Ex-servicemen who own less than 10 acres of dry or 5 acres of wet, and who do not come under category (1) above will get second priority with reference to G.O.No.1986, Revenue, dated 8.7.1952 and will be assigned that extent of land necessary to make a total equivalent of 10 acres of dry.

(b) Applications received after 1st July 1952:

Ex-servicemen will be eligible for assignment of land only if they are landless, i.e., owning less than 5 acres of dry and if they are poor and are likely to engage themselves in direct cultivation just as other landless and poor persons likely to engage themselves in direct cultivation.

(c) Valuable land:

The new rules regarding disposal of valuable land will apply to cases of ex-servicemen also even if they had applied prior to 1st July 1952.

(By Order of the Governor)

S.K.Chettur,
Secretary to Government

To the Board of Revenue (L.R.)

/True copy/

P. P. Sanyal
Superintendent.

Revenue Department.

Land - Grant to Ex-servicemen - Entertainment of applications further instructions - Issued.

From the Board of Revenue, Ref.B.3032/53-1 dated 14.4.53.

To A.S.

Please see the Board's reference and its enclosure in the c.f.

2. In 1943, the Government banned the assignment of land. The ban appears to have been imposed in order to reserve all available land for assignment to servicemen who were on military duty. Immediately on the termination of the war, the Government took up the question of formulating the policy for assignment of land to ex-servicemen. When this matter was under consideration, the Government decided that land should be assigned to political sufferers also. Final orders were issued in G.O.No. 1523 Revenue dated 11.6.49, in which the Government lifted the ban on the permanent assignment of land and also laid down the following priority for assignment.

(a) Political sufferers..

(b) Ex-servicemen of World War II including I.N.A. personnel who did not possess more than 5 acres of wet or 10 acres of dry land.

(c) landless poor persons including Harijans and backward classes.

A landless poor person was defined as a man who had not more than 5 acres of wet or 10 acres of dry land. It was also laid down that Ex-servicemen and landless poor persons already owning small extents of land should be granted only that extent of land necessary to make a total of 5 acres of wet or 10 acres of dry land. It was further laid down that all the grants made under this order, were subject to the condition that the land should be cultivated by the assignee or members of his family or with hired labour or both. The result so far as Ex-servicemen were concerned, was that for being eligible for land grant, they

should

(1) own less than 10 acres of dry or 5 acres of wet land; and

(2) cultivate the land, but should not leave it.

They need not necessarily be poor, while in the case of the political sufferers even the first condition that they should be landless, was not insisted upon.

3. The Government of India were also apprised of the outlines of this Government's scheme of grant of land to ex-servicemen. The Government of India circularised this Govt.' scheme to the various authorities concerned with the Re-settlement of Ex-servicemen.

4. Under this Government's scheme, the political sufferers were given the first preference and the others had to wait till the demands of the political sufferers were satisfied. Therefore the Government fixed a date before which the ex-servicemen should register their claims for land grant. The last date so fixed was 1.7.52 after which date no application from ex-servicemen was to be entertained.

5. Subsequently, in G.O.No. 1986 Revenue dated 8.7.52 the order of priority laid down in 1949 was refixed as follows

(a) Landless poor persons including Harijans and backward classes.

(b) Political sufferers and the ex-servicemen of the II world War including I.N.A. personnel who did not possess more than 5 acres of wet or 10 acres of dry land.

According to this order, while first preference should be given to landless poor persons, political sufferers and ex-servicemen need not necessarily be poor. If they are also poor, they will come under category (a) above.

6. Meanwhile, the Government stayed further proceeding regarding the assignment of land to political sufferers then ordered further proceedings only in pending cases and finally directed the rejection of all the pending applications of

the political sufferers. Now land is assigned only to landless and poor persons likely to engage themselves in direct cultivation.

7..The Collector of Tanjore has presumed that no land should be granted to ex-servicemen who had applied after 1.7.52 and that there is no objection to grant lands to those who had applied on or before 1.7.52. From the notes above, it does not appear that this presumption can be accepted.

The case of those ex-servicemen who had applied before 1.7.52 has to be dealt with under G.O.No: 1523 Revenue dated 11.6.49 under which they get the 2nd preference and need not necessarily be poor. As no more land is assigned to political sufferers, the first preference given to them stands cancelled and the ex-servicemen take the top place i.e., in respect of applications from ex-servicemen received before 1.7.52, the land should be assigned to them if otherwise unobjectionable and provided the ex-servicemen do not own the required minimum of land. The ex-servicemen need not necessarily be poor. If there are no applications from the ex-servicemen, landless poor persons will get the land.

In respect of the applications received after 1.7.52 and first preference should be given to landless/poor persons and if there is no landless and poor applicant, political sufferers and ex-servicemen will get the land if they do not possess the required minimum of land. They need not be poor. But if political sufferers and ex-servicemen are both landless and poor, they can be classed under the first group. The position stated above appears to be the trend of the orders issued previously though nowhere it is stated that these orders should be interpreted as above. It is therefore for orders whether the position set out above will be accepted.

8. Now, land is assigned only to landless and poor persons who are likely to take to direct cultivation, i.e.

the assignee must be landless and also poor. Therefore, political sufferers and ex-servicemen who are not poor are not eligible for any land. But if we apply this order to the applications of ex-servicemen received before 1.7.52, it is likely that the Government of India may object. Please see also the letter from the Government of India in the linked file. Therefore, regarding the applications received before 1.7.52 it may be left to the Collectors to deal with them provided the applicant possesses less than the required minimum of land and as regards the applications received after 1.7.52, the Collectors may be informed that if the ex-servicemen are both landless and poor, their applications should be dealt with along with the applications of other landless and poor applicants.

9. Under G.O.No. 1523 Revenue dated 11.6.49, only 10 acres of dry or 5 acres of wet land can be assigned to any individual. Ex-servicemen and landless poor persons ~~in~~ who own small extents of land should be granted only that extent which would be necessary to make a total of 5 acres of wet or 10 acres of dry land. Recently, the Government have decided that only 5 acres of dry land should be assigned. Wet lands being valuable cannot be assigned free of cost. The above reduction was due mainly to the fact that sufficient land will not be available for assignment at 10 acres dry. Therefore this limit would apply even to applications of ex-servicemen received before 1.7.52. For Orders.

Please put up the originals of
1986, Revenue dated 8.7.1952 and Memo.
No.21923 F-52 and G.O.No.2600 Revenue
dated 4.10.51.

To U.S.

Please see the orders of the U.S. above and the Board's further reference dated 5.5.53 at pages 3 c.f.

2. The original of G.O.Ms.No. 2600 Revenue dated 4.10.51 is put up at flag (B). The original of G.O.Ms.No.1986, Revenue ~~xxxx~~ dated 8.7.52 is put up in file (C.No.14824 F/53) which has been circulated to M.(L.R.), M (Edn.) and C.M. on 8.5.53 for approval of the draft press note therein, clarifying the policy of the Government regarding the disposal of valuable lands. The original of Memo.No.21923 F/52 is in file (C No.21923 F/52) which is linked with another file bearing C.No.27835 F/53 relating to the disposal of lands temporarily assigned to the political sufferers in the Madurai Dt. As file C.No.21923 F/52 is referred to in the file (C.No.27835 F/52) and as M.(Fin.) has minuted in that file that all the papers should be put up for his perusal, that file cannot be dislinked at this stage. The file (C.No.27835 F/53) is being submitted separately.

3. The points raised in the Board's reference at page 3 c.f. have been examined in para 9 on page 4 ante.

4. This file may lie over till 20.5.53 or till the file C.No.21923 F/52 and the original of G.O.Ms.No.1986, Revenue, dated 8.7.52 are available whichever is earlier.

To U.S.

Please see the notes at pp.1-5 above.

2. The file (C.No.21923 F/52) which contains Memo. No.21923 F/52 Revenue dated 14.4.52 is linked. The original of G.O.Ms.No. 1986 Revenue dated 8.7.52 is put up at flag(T)

I find from the general files put up that the significance of the term 'landless poor' was clarified in Memo. No.42044 F49-1, Revenue dated 1.8.49. Put up the original of that Memo please.

To U.S.

The original of Memo.No.42044 F/49,1, Revenue

dated 1.8.49 is put up at flag (C).

2. The term 'landless poor person' for the purpose of assignment of land was defined in Note iii to para 2 of G.O.No.1523 Revenue dated 11.6.49 as one who did not own more than 5 acres of wet or 10 acres of dry land. This term has been amended in para 1 of Memo.No.42044 F/49-1 Revenue dated 1.8.49 according to which the assignee must be not only landless but also poor to be eligible for the concession. The question whether a person was poor or not was left to the decision of the Collr. Now the term 'landless' is restricted to persons owning less than 5 acres of dry land. Please see para 3 of Memo.No.1055 F/53-4 Revenue dated 9.3.1953. According to the ^{current} ~~Government~~ orders, land is assigned only to persons who are landless and poor and who are likely to take to direct cultivation.

Certain Collectors have raised some points for clarification in regard to the assignment of land to ex-servicemen. The whole position is examined below:-

The order or priority of applicants eligible for the assignment of land was first fixed by Government in G.O. No. 1523, Revenue, dated 11.6.1949. The order was fixed as follows:-

- (1) Political sufferers;
- (2) Exservicemen of the 2nd World War including I.N.A personnel who do not possess more than 5 acres of wet or 10 acres of dry land; and
- (3) Landless poor persons.

A landless poor person was defined in the same G.O. as a person owning not more than 5 acres of wet or 10 acres of dry land. It will therefore be seen that the exservicemen forming category (2) above would also necessarily come under the definition of landless poor; but for the services rendered by them they were given preference over other

landless poor persons.

2. The term 'landless poor' was however redefined two months later in Memo.No.42044 F/49-1, Revenue, dated 1.8.1949. It was therein stated that a person to be eligible for the assignment of land under category (3) above must not only be landless but also be poor, and the Collector was to decide in his discretion whether or not the applicant could be deemed to be "poor." The effect of this amendment was that persons owning not more than 5 acres of wet or 10 acres of dry land were called 'landless' but were not necessarily landless poor.

3. It will be noticed also that Government did not specify that exservicemen coming under category (2) should be poor. The orders would seem to suggest that to be eligible for the assignment of land, the exservicemen need only be landless. Category (2), since the date of the amendment, ceased to be a sub-class of category (3).

4. On 4.10.1951, Government passed orders in G.O.No. 2600, that the last date for the receipt of applications from ex-servicemen was 1.7.52. (The order prescribed the same limit for landless poor persons also, but this does not seem to have been given effect to, because after the present Government assumed office, landless and poor persons have been given first priority in the assignment of land). These orders fixing 1.7.1952 as the last date for the receipt of applications from ex-servicemen have not been revised. Ex-servicemen therefore do not form a significant class if their applications are received subsequent to that date.

5. After the present Government assumed office, land assignment policy was thoroughly over-hauled. The greatest changes occurred in respect of the assignment of land to political sufferers. In G.O.No. 1986 Revenue dated 8.7.52 Government ordered the refixation of priorities as follow

correct
Seq.

- (1) Landless poor persons;
- (2) Political sufferers eligible for land grant under the latest instructions; and

Exservicemen who do not possess more than 5 acres of wet or 10 acres of dry land.

6. Certain significant features in these orders may be observed. Political sufferers eligible for land grant under category (2) automatically form part of category (1) viz., landless poor persons, because Government had already ordered in Memo.No.21923-F/52-4, Revenue, dated 1.5.1952 and in Memo.No.21923-F/52-16, Revenue, dated 16.6.1952, that political sufferers eligible for the assignment of land should be landless and poor persons. It would therefore appear that G.O.No.1986, Revenue, dated 8.7.1952, definitely discriminated against political sufferers. It would also appear that landless poor persons mentioned in category (1) excluded landless poor political sufferers. M.(L.R.'s) minute on p.6 n.f. of (T) suggests that this was the intention. Since no orders were ever issued extending the last date for the receipt of application from ex-servicemen, the order of priority fixed in G.O. No.1986 Revenue dated 8.7.1952 should be deemed apply to applications for assignment of land to ex-servicemen received prior to 1.7.1952. Now the question to be decided is whether ex-servicemen who also happened to be poor persons would come under category (1) as refixed in G.O.No. 1986. The noting on p.6 n.f. of that G.O. already observed suggests a definite intention to discriminate against political sufferers. But there seems to have been no intention to discriminate against exservicemen as such. It would perhaps be not very equitable to suggest that landless poor exservicemen should be treated worse than other landless poor persons. In these circumstances it may perhaps be held that the term "landless poor persons" in category (1) of

AA

Pol. Sufferers come under the next Category as also Ex-servicemen - vide clause (b) in G.O. 1986 8.7.52.

I don't think this view is correct. In any case it has been specifically overruled by our latest orders according to which this landless poor condition would entitle a pol. sufferer to land. Under the rules of preference for that category.

Secy. 6/6/53

There was no such intention. D.S. 5/6.

Category 1. naturally includes all landless poor persons. Secy.

Yes
Ds
sh

of G.O.No.1986 should include landless poor ex-servicemen. If this view is accepted, exservicemen in category (2) as refixed in G.O.No. 1986 would include exservicemen who are landless but not necessarily poor.

They have to take their chances only under the category of ordinary hope. Folk without special qualifications

Secy.
6/6.

True.
Ds.

7. So far as applications received after 1.7.1952 are concerned, exservicemen do not form a significant class by themselves and they would be eligible for the assignment of land only if they are landless and poor, likely to engage themselves in direct cultivation.

8. Two other questions also emerge. In Memo.No.1055-F/53 Revenue dated 9.3.1953, the term "landless" was restricted for persons owning less than 5 acres of dry land. Since this condition applies to all applications pending on that date, the same definition might apply to exservicemen also. In other words, category (2) in G.O.No. 1986 might be restricted to exservicemen owning less than 5 acres dry. This is suggested because applications from landless and poor persons received prior to 1.7.1952 would still be disposed of with reference to Memo.No.1055-F/53-4, Revenue dated 9.3.1953. It would be incongruous to show any special preference to exservicemen in this regard. The new rules regarding the disposal of valuable lands may also be held to apply to applications received from exservicemen prior to 1.7.1952. For orders therefore whether the Collectors may be informed as follows:-

It should be in consonance with AA on p 8. m.f.
Secy.

9.(a) Applications received from exservicemen prior to 1.7.1952:-

1. If the exservicemen own less than 5 acres of dry (or 2½ acres of wet) and if they are poor and likely to take direct cultivation, they form part of category (1) as fixed in G.O.No.1986, Revenue, dated 8.7.1952;
2. Exservicemen owning less than 10 acres dry (or 5 acres wet) will be eligible for assignment of land under category (2) in G.O.No. 1986;

This is not correct. Dy. Sec and U. Sec. pl. speak.

Secy.
7/6.

3. The new rules regarding disposal of valuable land will apply to cases of exservicemen also.

4. The land owned by the exservicemen plus the land assigned should not exceed 5 acres dry in category (1) above

This

b. Applications received after 1.7.1952:-

1. Exservicemen will be eligible for assignment of land only if they are landless, i.e. owning less than 5 acres of dry, and if they are poor and are likely to engage themselves in direct cultivation.

1.7.1952 was fixed as the D. Day for applications from Exservicemen who thereafter can have land assigned to them only if they are landless and persons likely to engage themselves in direct cultivation. The summing up of the conditions in para 9 above is correct and may be accepted.

M(L.R.)
10-6-53.

With reference to the orders in circulation above, the same is submitted for approval.

/True extract/

P. K. Sanyal
Superintendent.

nr. 18/8

T. B. Sambamurti
19/8.